IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5971/2001

HOTEL ARCHNA Vs. THE STATE OF RAJASTHAN & ANR.

DATE: 23.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

None present for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The main challenge in this writ petition is the seizure of vehicle bearing No. RJ-26/P-0149 vide order dated 31.10.96.

As per the respondents after giving notice the vehicle in question was seized under Section 207 of the Motor Vehicles Act, 1989 and under Section 17 of the Rajasthan Motor Vehicle Taxation Act, 1951 for non-payment of the tax. To this effect, a notice dated 24.12.96 was issued and the petitioner was called upon to deposit the due tax against the vehicle in question. Since payment of tax has not been made, as per the provisions of Rule 73 of the Central Motor Vehicle Rules, 1989 and Rule 4.18(6) of the Rajasthan Motor Vehicle Rules, 1990, due to non-payment of tax, no tax clearance certificate can be issued and fitness

certificate also cannot be granted to the owner of the vehicle.

It is also made clear that since permit has not been surrendered, tax relating to SRT is chargeable and the dispute with regard to payment of tax is pending consideration with the Tribunal and the Tribunal has already passed as order to release the vehicle and the compliance of the same has already been made by the respondents.

In view of the reply submitted by the respondent State that the vehicle in question has already been released, the present writ petition has become infructuous and the same is hereby dismissed as having become infructuous.

(K.S. RATHORE),J.

/KKC/